

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 8TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

WRIT PETITION No.1537/1998

Between:

Mallarappa Mallappa  
Hanumanahalli, major,  
Occ. Agriculture,  
R/o Basti Oni, Haveri,  
Haveri Taluk and Dist.  
rep. by his PA Holder  
Girimallappa Basavanneppa  
Araganji, major, R/o -do-

Since dead by LRs.

1(a) Smt.Mallavva,  
W/o Mallarappa Hanumanahalli

1(b) Kumari Lalita,  
D/o Mallarappa Hanumanahalli

1(c) Kumari Savitravva, -do -

1(d) Kumari Gouravva, - do -

1(e) Kumar Anand,  
S/o Mallarappa Hanumanahalli.

All are majors,  
R/o Haveri.

1(f) Smt.Renavva Urf Muttavva,  
W/o Gangappa Kalasad,  
R/o Shirahadagi,  
Tq. Savanoor,  
Dit. Haveri.

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1(g) Smt. Shivgangavva,  
W/o Girimallappa Araganji,  
R/o Devagiri, Yallapur  
Tq. Haveri.

Rep. by SPA holder,  
Girimallappa Basavanneppa  
Araganji.

... Petitioners.

(Amended as per Court Order  
dt.27-3-1998)

(By Sri.F.V.Patil, Adv.,)

And:

1. The Assistant Commissioner,  
Haveri Sub-Division, Haveri,  
Haveri District.

2. Mahadevagouda Basanagouda  
Hiregoudar, since deceased  
by his LRs.

(a) Smt. Gouravva kom.  
Mahadevagouda Hiregoudar,

(b) Basavaraj Mahadevagouda  
Hiregoudar,

(represented by R-2(a) as  
legal representative as per  
order of the Court dt.3-4-98)

(c) Smt. Shivaleela,  
W/o Siddappa Banakar,

(d) Virupaxappa Mahadevagouda  
Hiregoudar,

(e) kum.Renuka,  
D/o Mahadevagouda Hiregoudar.

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Respondents 2(a) to (e) are  
all majors, and all are  
residing at Haveri, Haveri  
Taluk & District.

... Respondents.

(By Sri.Satish R.Giraji for  
R-2(a) & 2(c) (e), R-2(b) expired  
Sri.Kotian Addl. GA for R-1)

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This WP is filed under Articles 226 & 227  
of the Constitution of India praying to quash  
vide Annx.B dt.10-11-97 by R-1 & etc.,

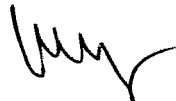
This WP coming on for prly. hearing  
this day, the Court made the following:-

O R D E R

Sri Kotian, learned Government Advocate is  
directed to take notice to 1st respondent.

2. Though this petition is posted for  
preliminary hearing, with the consent of the  
learned counsel appearing for the petitioners  
and the learned counsel for the respondents,  
this petition is taken up for final hearing  
and disposed of, by this order.

3. In this petition, the petitioners have  
called in question, the correctness of the

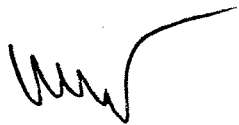


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order dated 10th November, 1997, a copy of which has been produced as Annexure-B passed by the 1st respondent setting aside the entry made in No.2049 deleting the name of the petitioner and in its place directing that the ~~name~~ of the legal representatives of one Mahadevagouda should be entered.

4. Sri F.V.Patil, learned counsel appearing for the petitioner made several submissions, in support of his plea that the order impugned is liable to be quashed. However, the same is resisted by Sri Satish Giriji, learned counsel appearing for the contesting respondents.

5. I am of the view, the ~~only~~ order impugned is liable to be quashed ~~on~~ the short ground that the impugned order is not a speaking order. It is the case of the petitioner that the entry in the revenue records



came to be altered twenty years from the date of the entry in the revenue record without there being even an application filed seeking for condonation of delay, the order impugned came to be passed. I find considerable force in this submission also. Therefore, the impugned order is liable to be quashed. However, all the contentions urged by the learned counsel appearing for the petitioner and the learned counsel appearing for the contesting respondents are left open to be urged before the 1st respondent.

6. In the light of the discussion made above, the order Annexure-B is hereby quashed. The matter is remitted to the 1st respondent for fresh consideration and the 1st respondent is directed to dispose of the matter afresh in accordance with law. The parties are directed to appear before the 1st respondent on 20th July, 1998. However, it is made clear that the petitioner is not entitled for any fresh notice from the 1st respondent. The 1st respondent is directed to dispose of the appeal within three months' from 20th July, 1998.

Wg

7. In terms stated above, this petition is allowed and disposed of. Rule is issued and made absolute.

8. Sri Kotian, learned Government Advocate is given four weeks time to file his memo of appearance.

Sd/-  
JUDGE

